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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 MONICA HINOSTROZA,

13 Plaintiff,

14 vs.

15 DENNY'S, INC., d/b/a DENNY'S
RESTAURANT, a Foreign corporation, DOES 1
16 through 20; ROE BUSINESS ENTITIES 1
through 20, inclusive jointly and severally,

17 Defendants.

CASE NO.: 2:17-cv-02561-RFB-NJK

**STIPULATION AND ORDER TO EXTEND
CURRENT DISCOVERY DEADLINES I
COMPLIANCE WITH LOCAL RULE 26-4**

THIRD REQUEST

18
19 IT IS HEREBY STIPULATED by and between Plaintiff Monica Hinostroza and Defendant
20 Denny's, Inc., d/b/a Denny's Restaurant, by and through their respective counsel of record, and
21 hereby stipulate to extend all current deadlines by 84-days. Pursuant to Local Rule 6-1(b), the
22 parties state that this is their third request for extension of discovery deadlines.

23 **REASONS FOR NECESSITY OF STIPULATION**

24 The parties stipulate that because Defendant has requested to take an IME of Plaintiff. This
25 IME requires Plaintiff to travel from Massachusetts to Las Vegas. Defendant has also agreed to take
26 Plaintiff's deposition during this trip to lesson Plaintiff's litigation expenses. The IME is now
27 scheduled to take place on July 19, 2018. Plaintiff's deposition is set for July 18, 2018. Both of
28 these events are necessary for the formulation of expert opinions.

1 The parties are also in the process of scheduling the accident witness depositions. These
2 witnesses are spread out in New York and Massachusetts.

3 The parties stipulate to continue discovery to allow for these events to take place so that the
4 experts can properly formulate their opinions.

5 Furthermore, Defendant is still having issues obtaining out of state records and thus request
6 an extension to allow for a complete history of Plaintiff's medical records for expert review and
7 formulation of opinions.

8 Finally, the parties are having a good faith dispute as to the scope of some of the releases.
9 The parties are in the process of scheduling a Meet and Confer Conference regarding this issue and
10 if a Motion is necessary, there will be time necessary to have the Motion heard and (potentially)
11 records obtained with said releases.

12 As a result of the above, the parties agree to extend all current deadlines by 84-days in
13 compliance with Local Rule 26-1(e) and Local Rule 26-4. The parties have good cause for seeking
14 this extension of the deadlines. This request for extension is made by the parties and is made in good
15 faith and not for the purpose of delay, but to allow all parties sufficient time to conduct necessary
16 discovery.

17 **DISCOVERY COMPLETED**

- 18 • Denny's Inc. exchanged FRCP 26(a) disclosures on November 9, 2017.
- 19 • Plaintiff exchanged FRCP 26(a) disclosures on November 15, 2017.
- 20 • Denny's Inc. propounded its first set of written discovery on Plaintiff November 9, 2017.
- 21 • Plaintiff propounded written discovery on Denny's Inc. on December 6, 2017.
- 22 • Plaintiff requested a site inspection and outlined his proposed FRCP 30(b)(6) topics to
23 Denny's Inc.'s counsel.
- 24 • Denny's Inc. and Plaintiff have been diligently requesting Plaintiff's medical records.
- 25 • The parties stipulated on December 27, 2017 to continue discovery.
- 26 • Plaintiff responded to Denny's Inc.'s first set of written discovery on January 19, 2018.
- 27 • Denny's Inc. responded to Plaintiff's first set of written discovery on February 13, 2018.
- 28

- On February 6, 2018, the parties stipulated to allow a site inspection of the Subject Property on March 1, 2018.
- On February 14, 2018, Denny's Inc. proposed its proposed stipulation for a protective order / confidentiality agreement.
- On February 15, 2018, Denny's Inc. disclosed its First Supplemental Supplement to its Rule 26(a) disclosures. This included 739 pages of documents.
- On February 26, 2018, Plaintiff's counsel reported her injury to defense counsel and the parties agreed to continue discovery to accommodate counsel's injuries.
- On February 28, 2018, Denny's Inc. propounded its' Second Set of Request for Production of Documents and it's

DISCOVERY PENDING

- Denny's Inc. anticipates taking the deposition of Jose Hinostroza, and Plaintiff's treating physicians in Boston Massachusetts;
- Plaintiff anticipates taking an FRCP 30(b)(6) deposition(s) of Denny's Inc.;
- Denny's Inc. anticipates taking the depositions of Plaintiff's participant witness depositions who are out of state;
- Denny's Inc. wishes to set an IME of the Plaintiff for July 19, 2018.
- Denny's Inc. wishes to depose Plaintiff on July 18, 2018.
- Plaintiff anticipates taking the depositions of Denny's Inc.'s Expert Witness(es); and
- Denny's Inc. anticipates taking the depositions of Plaintiff's Expert Witness(es).

[PROPOSED] NEW DISCOVERY DEADLINES

| | |
|---|---------------------------|
| Last day to Amend and Add new Parties..... | May 3, 2018 |
| Expert Disclosure Deadline | August 17, 2018 |
| Joint Interim Status Report Deadline | August 17, 2018 |
| Rebuttal Expert Disclosure Deadline | September 19, 2018 |
| Extension or Modification of the DP-SO | September 19, 2018 |
| Discovery Cut-Off Date | October 26, 2018 |
| Dispositive Motion Deadline | November 23, 2018 |

Proposed Joint Pre-Trial Order December 20, 2018

If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline.

DATED this 28th day of March, 2018.

DATED this 28th day of March, 2018.

HALL, JAFFE & CLAYTON

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NO FURTHER EXTENSIONS WILL BE GRANTED.

ORDER

IT IS SO ORDERED.

Dated March 29, 2018


UNITED STATES MAGISTRATE JUDGE